

ZONING CHANGE REVIEW SHEET

CASE: C14-2015-0133 A and C14-2015-0133B – 1204 San Antonio & 1205 Nueces Rezoning
P.C. DATE: January 26, 2016
 February 23, 2016

ADDRESS: 1204 San Antonio Street & 1205 Nueces Street

DISTRICT AREA: 9

OWNER/APPLICANT: Texas Association of Counties (Gene Terry)

AGENT: Alice Glasco Consulting (Alice Glasco)

ZONING FROM: GO **TO:** DMU* **TOTAL AREA:** 0.4006 acres (17,450 sq. ft.)

AREA BY CASE: C14-2015-0133A – 11,043 sq. ft.; C14-2015-0133B - 6407 sq. ft.

*The Applicant amended the request from CBD to DMU on November 16, 2015.

SUMMARY STAFF RECOMMENDATION:

Staff recommends downtown mixed use-conditional overlay (DMU-CO) combining district zoning. The conditional overlay will restrict building height to 60 feet.

PLANNING COMMISSION RECOMMENDATION:

January 26, 2016; *Postponed to February 23, 2016 at the request of the Neighborhood [J. Vela / F. Kazi -2nd] (10-0). ABSENT – P. Seeger, J. Stevens, T. White.*

February 23, 2016;

ISSUES:

The Applicant does not agree with the Staff recommendation to limit building height at 60 feet.

DEPARTMENT COMMENTS:

The subject rezoning areas total approximately 0.4 acres with frontage on Nueces and San Antonio Streets. There is a public alleyway to the north of each Tract and a privately owned alley that separates the two Tracts and is part of the property addressed at 504 W. 12th Street. The two Tracts are developed with one office building each and are surrounded by various offices uses on all sides. The building on San Antonio Street has two stories of office space above two levels of structured parking. Parking is accessible by a driveway from San Antonio Street. Additional access is taken through the alleyway at the northern property line. The building on Nueces Street is single story construction with surface level parking in the front yard setback between the building and Nueces Street. Parking is accessible by driveways from Nueces Street and the alleyway.

A zoning change to DMU has been requested in order to redevelop the property with a newly constructed building for the Texas Association of Counties offices.

The area, within 1-2 blocks of the subject Tracts, has a pattern of rezoning to DMU that began as far back as 20 years ago. Additionally, these two Tracts are located in the Northwest District of the Downtown Austin Plan, adopted in 2011. The DAP identifies these and several other properties in the immediate area as potentially being appropriate for DMU zoning with a suggested height restriction of 60 feet for the two subject Tracts. The recommended DMU zoning classifications were intended to expand entitlement rights to develop the property in a way that will encourage a mix of land uses while also implementing district specific goals. The Northwest District has a significant number of Historic Landmark structures. Limiting the height to 60 ft. will better compliment the historic character of the district. Therefore, Staff recommends DMU-CO district zoning with a conditional overlay that will restrict the height to 60 feet.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	GO	Medical Office / Office
<i>North</i>	GO, DMU-CO, DMU-H-CO	Office – Texas Association of Counties, Texas Association of Business
<i>South</i>	GO	Law Office, Medical Office
<i>East</i>	GO	Office
<i>West</i>	GO, LR-CO	Law Office

NEIGHBORHOOD PLANNING AREA: Downtown Austin Plan

TIA: Not required.

WATERSHED: Shoal Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

<i>Community Registry Name</i>	<i>ID</i>
Historic Austin Neighborhood Association	1400
Shoal Creek Conservancy	1497
Austin Neighborhoods Council	511
Bike Austin	1528
City of Austin Downtown Commission	623
Preservation Austin	1424
Friends of Emma Barrientos MACC	1447
Austin Heritage Tree Foundation	1340
Downtown Austin Neighborhood Assn. (DANA)	402
Central Austin Community Development Corporation	1391
Austin Independent School District	742
Friends of Austin Neighborhoods	1530
SEL Texas	1363
West End Austin Alliance	998

Old Austin Neighborhood Association	57
West Downtown Alliance Inc.	1253
Sierra Club, Austin Regional Group	1228
Downtown Austin Alliance	438

SCHOOLS: Mathews Elementary, O Henry Middle, Austin High

CASE HISTORIES:

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-2012-0103 – Texas TPA Rezoning of 410 and 416 West 11 th Street; 416 W 11 th Street	CS to CBD	10/9/2012 – Apvd DMU-CURE; Height limited to 100 ft., FAR limited to 6.5:1, vehicular trips limited to 2,000/day, uses prohibited.	11/1/2012 – Apvd DMU-CURE; Height limited to 100 ft. , F.A.R. limited to 6.5:1, vehicular trips limited to 2,000/day, uses prohibited: automotive repair services, automotive sales, pawn shop sales, automotive rentals, automotive washing (of any type). Conditional uses: Bail bond services, Liquor sales.
C14-2010-0197 – 600 W 13 th Street	GO to DMU	2/8/2011 – Apvd DMU-CO;	3/10/2011 – Apvd DMU-CO; Height limited to 60 ft. ; prohibited uses: pawn shop services, cocktail lounge, outdoor entertainment, bail bond services, liquor sales.
C14-02-0008 – Burke House; 1310 San Antonio Street	GO to GO-MU	2/5/2002 – Apvd GO-MU.	2/28/2002 – Apvd GO-MU.
C14-01-0052 – Waterloo I, LTD, 605 W 13 th Street	GO to LR-CO	5/22/2001 – Apvd LR-CO.	8/9/2001 – Apvd LR-CO; surface off-street parking may not be closer than 10 feet from the property line located parallel to West 13 th Street; prohibits several uses.
C14-99-2066 – Texas ASSN of Counties Workers Compensation Self Insurance (Allen-Williams House); 1206 San Antonio	GO to DMU-H-CO and DMU-CO	1/25/2000 – Apvd DMU-CO and DMU-H-CO.	5/18/2000 – Apvd TRACT 1: DMU-H-CO; height limited to 60 ft. ; various uses prohibited. TRACT 2: DMU-CO; height limited to 70 ft. , requires a 10 foot setback from the historic building for any building that exceeds 60feet in height; various uses prohibited.

Street			TRACT 3: DMU-CO; ; height limited to 80 ft. , requires a 20 foot setback from the 13 th Street right-of-way for any building that exceeds 40 feet in height; various uses prohibited.
C14-97-0163 – Travis Phillips; 406 W 13 th Street		1/20/1998 – Apvd DMU-CO.	3/5/1998 – Apvd DMU-CO; vehicle trips limited to less than 2,000/day.

RELATED CASES: None.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
Nueces St	80'	33'	Collector	No	Yes; shared lane; Route # 31	Yes
San Antonio St	80'	37'	Collector	Yes	No	Yes

CITY COUNCIL DATE:

ACTION:

February 11, 2016;

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Victoria Haase

PHONE: 512-974-7691

EMAIL: tori.haase@austintexas.gov

STAFF RECOMMENDATION

Staff recommends downtown mixed use-conditional overlay (DMU-CO) combining district zoning. The conditional overlay will restrict building height to 60 feet.

BASIS FOR RECOMMENDATION

- 1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The Downtown Mixed Use district is intended for use located on the periphery of an area that has a CBD designation. A DMU district designation may be applied to a development that includes any combination of office, retail, commercial, and residential uses and that is compatible with the downtown area. A DMU district use with an intermediate density may be used as a transition between the downtown area and surrounding districts. A DMU district is suitable for an area to which the central business district may expand. This zoning district is appropriate for this site even if only for its proximity to the CBD of the downtown area.

- 2. *Zoning should allow for reasonable use of the property.*

The DMU zoning district will allow for a reasonable use of the property as it will provide an opportunity for a mixture and wide variety of uses within the periphery of the downtown core where a dense mixture of uses is encouraged while being mindful of the DAP’s goals for the Northwest District.

- 3. *The proposed zoning should promote consistency and orderly planning.*

Uses allowed by the DMU zoning district will be compatible and consistent with uses and zoning districts of the neighboring blocks.

- 4. *The rezoning should be consistent with the policies and principles adopted by the City Council or by the Planning Commission.*

The DMU zoning district is appropriate for this site as it is supported by the Austin Downtown Plan that was adopted by City Council in December, 2011. The subject property is identified in the plan document as an appropriate location for Downtown Mixed Use – DMU and suggests a height restriction of 60 ft. (pg. 79). DMU will grant entitlement rights to develop the property in a way that will implement the district-specific goals.

The zoning change is also congruent with the Imagine Austin Plan that encourages infill and redevelopment, specifically in those areas classified as a ‘Regional Center’ on the Imagine Austin’s Growth Concept Map.

EXISTING CONDITIONS

Site Characteristics

The subject Tracts combined total approximately .4 acres and are developed with a one-story structure and a four story structure that consists of a two-level structured parking facility below two floors of office space. There are two large trees to the immediate south of the one-story building on Tract B (1205 Nueces Street) and two smaller trees on the north side of the building, adjacent to the alley way. Tract A (1204 San Antonio Street) has a large tree and two smaller street trees between the

sidewalk and San Antonio Street. The topography slopes downward from east to west such that the lowest level of the structured parking facility is partially underground and only accessible from the alley at the northern property line.

Impervious Cover

There appears to be a high level of impervious cover with the existing development. In this case, the impervious cover limit is established by the zoning district. The GO zoning district allows up to 80% impervious cover. The DMU zoning district allows 100% impervious cover

Comprehensive Planning

Downtown Austin Plan - The subject property is located in the Northwest District of the Downtown Austin Plan. The subject property has been identified in the plan document as a property that may be eligible for a zoning change to Downtown Mixed Use (DMU) with a suggested height restriction of 60 ft. (pg. 79) if new zoning districts are created via implementation of the plan. The intent was to increase diversity of land uses while not creating an over-entitlement of said properties. The recommended DMU zoning classifications were intended to expand entitlement rights to develop the property in a way that will expand a mix of land uses including commercial, retail, and residential opportunities and will implement the following district-specific goals:

- 2. Bring residents back to the neighborhood.
- 5. Improve the pedestrian environment.

Imagine Austin Plan - The subject property is located within the boundaries of a ‘*Regional Center*’, as identified in the Imagine Austin’s Growth Concept Map, found in the Imagine Austin Plan. A Regional Center is the most urban of the three activity centers outlined in the growth concept map and are intended to be retail, cultural, recreational, and entertainment destinations for Central Texas. These are also the places where the greatest density of people and jobs and the tallest buildings in the region will be located. The densities, buildings heights, and overall character of a center will vary depending on location. Regional centers will range in size between approximately 25,000-45,000 people and 5,000- 25,000 jobs. The following IACP policies are applicable to this case:

- **LUT P3** Promote development in **compact centers**, communities or along corridors that are connected by roads and transit, are designed to encourage walking and bicycling, and reduce healthcare, housing and transportation costs.
- **LUT P7.** Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities.

Based on the information above, Staff believes that the proposed zoning change is supported by both the Downtown Austin Plan and the Imagine Austin Comprehensive Plan.

Environmental – Mike McDougal, 512-974-6380

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.

3. According to floodplain maps there is no floodplain within or adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.
7. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

DSD Transportation – Amanda Couch, 512-974-2881

- TR1. Nadia Barrera, Urban Trails, Public Works Department and Nathan Wilkes, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.
- TR2. According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a Quiet Street is recommended for Nueces. Nueces is included in the All Ages and Abilities Network.
- TR3. A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]. ***FYI: If, at the time of site plan, the use does generate trips exceeding 2,000 trips per day, then a TIA will be required.***

Water and Wastewater

WW1. The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

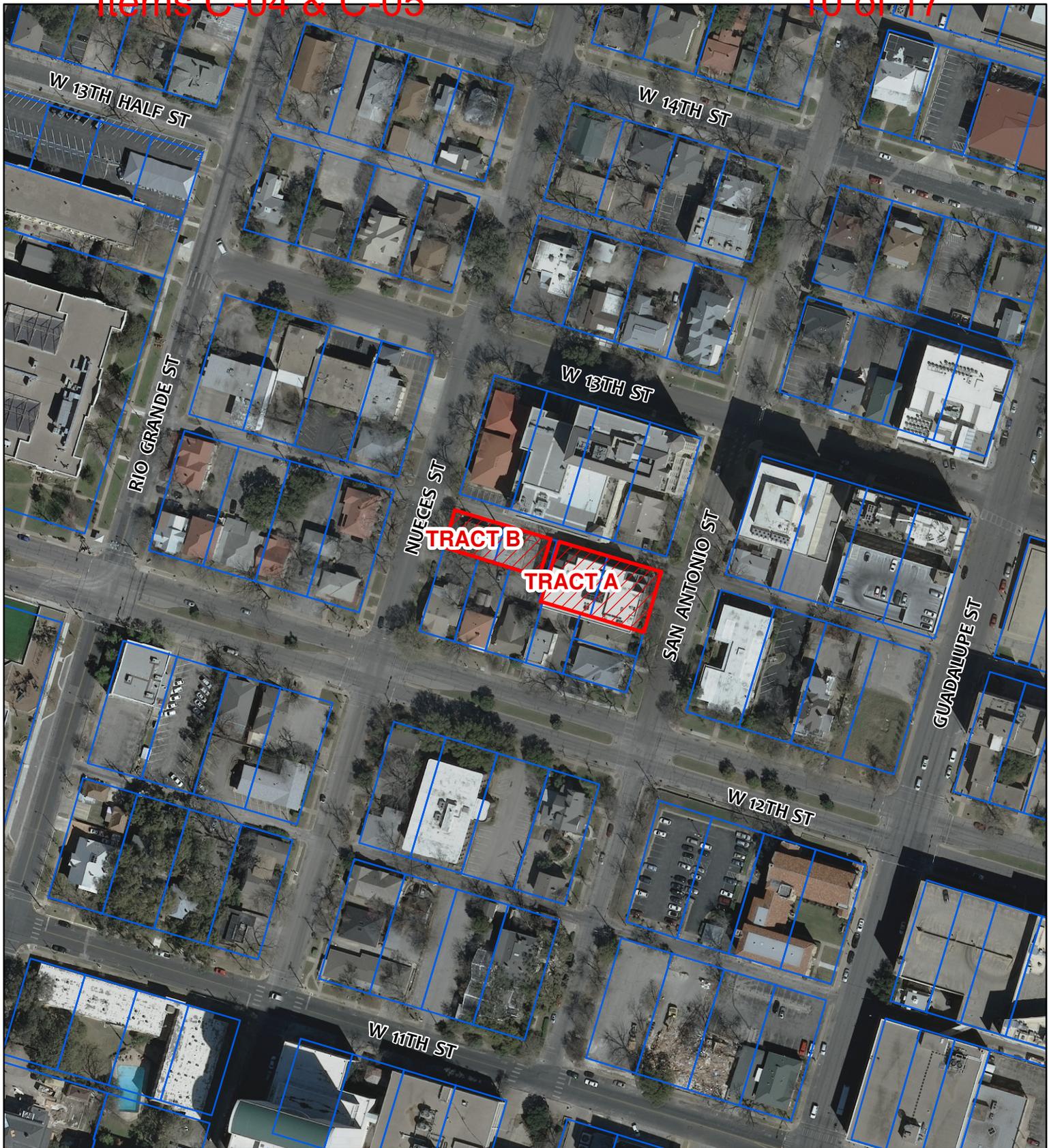
Storm Water Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Storm water Management Program if available.

Site Plan and Compatibility Standards – Christine Barton-Holmes, 512-974-2788

Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted. San Antonio and Nueces are both Urban Roadways.

This site is within the Criminal Justice Center Overlay District (25-2-650) and the Downtown Neighborhood Plan (<http://austintexas.gov/page/downtown-austin-plan>)



AERIAL - EXHIBIT B

ZONING CASE#: C14-2015-0133 (A & B)
 ZONING CHANGE: GO to DMU
 LOCATION: 1204 San Antonio Street (A),
 1205 Nuces Street (B)

N

 Subject Property

 Base Map

1' = 400'

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





CROSS OAK GROUP

December 21, 2016

Mr. Greg Guernsey
Planning and Development Review Department
505 Barton Springs Road
Suite 500
Austin, TX 78704

Re: Permit 2015-118926 ZC—Withdrawal of Authorization Letter

Dear Mr. Guernsey,

Please let this letter serve as notice that Cross Oak Properties hereby fully withdraws our letter, and all permission granted therein, to you dated September 24, 2015.

Gene Terry and Alice Glasco are no longer authorized by Cross Oak Properties to serve as applicant and/or agent in the rezoning of the 568 square foot tract of land referenced in their application for rezoning.

Further, as owners of that tract, we respectfully request that it no longer be considered as part of the application for rezoning referenced above and that this letter be on file with the official record of this proceeding.

We'd also request the favor of a letter from your office confirming that our tract of land has been severed from this consideration and that its zoning shall remain the same as that of the property to which it is currently conjoined at 504 W. 12th Street.

If you have any questions regarding this request, please feel free to contact me at 512-965-1371 or at jdow@crossoakgroup.com.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Dow', written over a large, stylized circular flourish.

Jim Dow

Cc: Kim LaPier, Texas Association of Counties
Alice Glasco, Glasco Consulting



CROSS OAK GROUP

November 16, 2015

Re: Rezoning of 1204 San Antonio and 1205 Nueces/C14-2015-0133

To Whom it May Concern,

As the property owner of 504 W. 12th Street, we are in full support of the Texas Association of Counties proposed zoning change from General Office (GO) to Downtown Mixed Use (DMU).

It is our understanding that the requested DMU zoning will allow a building height of 120 feet and floor-to-area ratio of 5:1, which we support. We are the backdoor neighbors to this property and would like to see it utilized in a way that achieves its highest and best use. A more substantial building would improve aesthetics, in our view, and add needed office space in a part of town that needs it.

We hope you'll approve this zoning change without delay.

If you have questions, please feel free to e-mail me at jdow@crossoakgroup.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Dow', written over a large, stylized circular scribble.

Jim Dow
Managing Partner

**Jim and Katherine Ray
Ray Associates, Inc.
1304 Guadalupe
Austin, Texas 78701**

November 28, 2012

Dear Mayor Adler, Mayor Pro- Tem Tovo, City Council Members and Members of the Planning Commission

Re: Rezoning of 1204 San Antonio and 1205 Nueces – C14-2015-0133

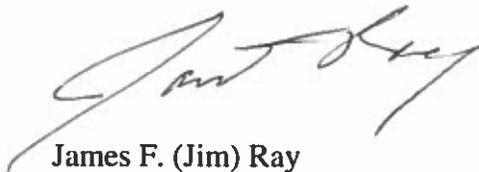
As the property owners of 508 West 12th Street, Katherine Ray and I support the zoning change proposed by the Texas Association of Counties from General Office (GO) to Downtown Mixed Use (DMU).

TAC has been a business neighbor to us for the past 38 years. This zoning change will allow TAC to improve our neighborhood and will increase the affordable business spaces in central area of Austin

Given that the subject site is within two blocks of the State Capitol, it makes a lot of sense to add office space within walking distance of the Capitol complex. Also it will improve the quality and efficiency of the subject properties.

Thank you for your consideration.

Sincerely,



James F. (Jim) Ray
Ray Associates, Inc.



THE TEXAS STATE CHAMBER

PRO-BUSINESS • PRO-TEXAS

FOR OVER 85 YEARS

November 16, 2015

Mayor Steve Adler
Members of the Austin City Council
Members of the Planning Commission
City of Austin
301 W. 2nd Street, Suite 1120
Austin, Texas 78701

RE: Re-zoning of 1204 San Antonio and 1205 Nueces – C14-2015-0133

As the property owner of 1209 Nueces, we support the zoning change proposed by the Texas Association of Counties from General Office (GO) to Downtown Mixed Use (DMU).

TAC has been an excellent neighbor for many years and given that the subject site can provide much needed office space to the area, we support this proposed change.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris E. Wallace".

Chris E. Wallace
President

Dear Mayor Adler, Mayor Pro- Tem Tovo, City Council Members and Members of the Planning Commission

Date: January 9, 2016

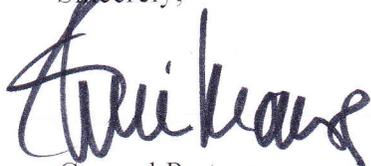
Re: Rezoning of 1204 San Antonio and 1205 Nueces – C14-2015-0133

As a property owner of 504 West 13th Street, I support the zoning change proposed by the Texas Association of Counties from General Office (GO) to Downtown Mixed Use (DMU).

It is my understanding that the requested DMU zoning will allow a building height of 120 feet and a floor-to-area ratio of 5:1 - which I support. Given that the subject site is within two blocks of the State Capitol, it makes a lot of sense to add office space within walking distance of the Capitol complex. A new/modern building at this location would enhance the aesthetics of the area.

My husband and I would appreciate your support of the requested zoning change. Please feel free to call me at 512-477-6707 should you have any questions.

Sincerely,



General Partner
JBS Holding, LP

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2015-0133(A&B)
Contact: Victoria Haase, 512-974-7691
Public Hearing: Jan. 26, 2016, Planning Commission
Feb. 11, 2016, City Council

Jerry Shisler
Your Name (please print)

I am in favor
 I object

506 W 12th
Your address (less affected by this application)

1-22-16
Date

Signature

Daytime Telephone: 512 423-3242

Comments:

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website: www.austintexas.gov/planning.

If you use this form to comment, it may be returned to:

City of Austin
Planning & Zoning Department
Victoria Haase
P. O. Box 1088
Austin, TX 78767-8810

RICHARD R. RUNDE

606 West 12th Street, Austin, TX 78701 | 512-435-6553 | richard@quickco.com

February 4, 2016

Ms. Victoria Haase
Planning & Zoning Department
City of Austin
Austin, Texas

RE: *Zoning Case #C14-2015-0133 (A&B)1204 San Antonio Street & 1205 Nueces Street*

Dear Ms. Haase:

I am writing to you in support of the above-referenced zoning case which is before your Planning Commission. As a directly impacted property owner I fully support the request of the Texas Association of Counties. I feel that their request is appropriate and will add to the on-going inner city re-vitalization that is taking place from Lady Bird Lake north to 15th Street.

Furthermore, we here in Austin have been blessed by history and tradition to be the seat of state government and for that reason alone we are home to a wonderful collection of state headquarters for ancillary governmental associations and other NGO's such as TAC. TAC and many others employ our citizens, pay taxes and live and shop here in Austin. They contribute immeasurably to our community and we are all custodians of the good will that is the centerpiece of that relationship. We must not allow parochial interests no matter how strongly held to prevent us from showing our guest citizens the utmost consideration in matters of this kind. Their request is in keeping with similar requests across central Austin that have been approved over the last several years. I strongly encourage approval of their request.

Sincerely,



Richard R. Runde